IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 560 of 2005

Between:

1. Ch. Srinivasa Murthy, S/o. Mahanandi, aged about 42 years,
presently working as Junior Civil Judge (Temporary), Ananthapur, R/o. Ananthapur, Ananthapur District.
2. K. Venkateswarlu, S/o. Late Sri Venkatrami Reddy,
aged about 44 years, presently working as Additional Civil Judge (Temporary), Chodavaram, Visakhapatnam District.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, represented by its Secretary, Law Department, Secretariat, Saifabad, Hyderabad.
2. The High Court of Andhra Pradesh, represented by its Registrar (General), High Court of Andhra Pradesh, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in rejecting the applications of the petitioners for consideration for appointment as District and Sessions Judge Grade-II, by direct recruitment vide his proceedings in Rc. No. 202/2004-Rc. dated 31-12-2004 as arbitrary, illegal unjust discriminatory, thereby violative of the fundamental rights guaranteed under Articles 14, 16 and 21 of the Constitution of India and consequentially set aside the same.

Counsel for the Petitioner: Mr. K.R.PRABHAKAR

Counsel for Respondent No.1: G.P. for Home.

Counsel for Respondent No.2: Smt. M.Bhaskara Lakshmi

SC for A.P. High Court.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The petitioners had questioned the action of the 2nd respondent in rejecting their applications for the post of District and Sessions Judge Grade-II by direct recruitment, as arbitrary.

While issuing notice, interim order was passed directing the respondents to entertain petitioners' applications subject to the result of the writ petition and permit them to appear in the examination scheduled to be held on 30-1-2005.

We are informed today that the petitioners were permitted to appear in the examination, but they were not qualified in the written examination. In view of the fact that the petitioners were not qualified in the written examination, we need not go into the question raised in the writ petition, which is kept undecided to be dealt with in case such an occasion would arise in future. The Writ Petition is dismissed as infructuous. No costs.

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DEVINDER GUPTA, C.J.

3.3.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Secretary, Government of Andhra Pradesh, Law Department, Secretariat, Saifabad, Hyderabad.
2. The Registrar-General, High Court of Andhra Pradesh, High Court of Andhra Pradesh, Hyderabad.

3) 2 CD copies

4. Two CCs to Government Pleader for Home, High Court of Andhra Pradesh, Hyderabad (OUT).

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